

REMARKS

In the present Response, Applicant has amended Claims 1, 2, 10-13, 15, and 17-20. Claims 8 and 9 have been canceled. No new claims have been added. Thus, Claims 1-7 and 10-23 are pending in the case.

In the Official Action, the Examiner rejected Claims 1-2, 5-6, 9, and 14 under Section 102 as being anticipated by White (U.S. Patent No. 5,626,194). Applicant respectfully traverses these rejections. Each of the rejected claims ultimately depends from amended Claim 1. Claim 1 has been amended to include "using either an explosive or non-explosive munition." This added element is not disclosed anywhere within the cited prior art. Support for the amendment can be found at page 6, line 14 through page 7, line 14 of the specification which details numerous examples of munitions suitable for use in conjunction with the present invention.

With the amendment to Claim 1, White no longer teaches or suggests all of the elements of that claim. The apparatus described in White used to fight fires could generally be described as an excavator equipped with various earth and fire fuel removal tools mounted to a boom. (Col. 4, lns.30-64). However, none of the earth and fire fuel removal tools are munitions as that word is commonly understood. For example, Merriam-Webster's Collegiate Dictionary Eleventh Edition defines a munition as an "armament, ammunition." This commonly understood definition highlights the difference between the term "munition" as used in amended Claim 1, and the disclosure contained in White. White focuses on those equipment which is used to move materials, such as trees, but does not teach the novel use of munitions as a means of fighting a fire. Therefore, amended Claim 1 is beyond what is taught or suggested by White, and is now in a condition for allowance.

Each of the other claims rejected under Section 102 ultimately depend from amended Claim 1, and merely add additional elements to the base claim. Therefore, Claims 2, 5-6, 9, and 14 are also in a condition for allowance.

In the Official Action, the Examiner rejected Claims 12-13 and 17 under Section 103 as being obvious in view of White.

Claims 12-13 and 17 have been amended in the present Response to depend from amended newly independent Claim 10. The Examiner indicated in the Official Action that the subject matter of Claim 10 would be allowable if rewritten in independent form. Applicant has

made the appropriate amendment to Claim 10 to bring it into a condition for allowance. Claims 12-13 and 17 now depend from Claim 10, and merely add additional elements to the allowable subject matter of Claim 10. Therefore, Claims 12-13 and 17 are also allowable.

In the Official Action, the Examiner indicated Claims 3-4, 7-8, 10-11, 15, and 18-20 are objected to as being dependent upon a rejected base claim. Applicants submit each of the presently pending objected to Claims now depend from an allowable base claim.

Claims 3-4 and 7-8 now depend from amended Claim 1. Amended Claim 1 was discussed above, and Applicant submits it is now in a condition for allowance. Therefore, each of Claims 3-4 and 7-8 are also in a condition for allowance.

Amended Claim 10 has been made into an independent claim by incorporating each of the limitations of the base claim. Claim 10 is therefore in a condition for allowance.

The remaining objected to Claims 11, 15, and 18-20 have each been amended to depend from amended Claim 10. Therefore, amended Claims 11, 15, and 18-20 merely add additional elements to the allowable base Claim 10, are also in a condition for allowance.

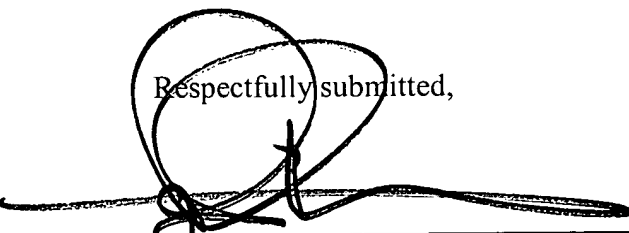
CONCLUSION

The Examiner and Commissioner are hereby authorized to charge any additional fees associated with this Response or refund any overpayments associated with this Response to our deposit account, Deposit Account No. 23-0280.

In view of the above, all pending claims are believed to be in condition for allowance; an action to this end is earnestly requested. If it would expedite the progress of this Application through the examination process, the Examiner is authorized to call the undersigned attorney.

Respectfully submitted,

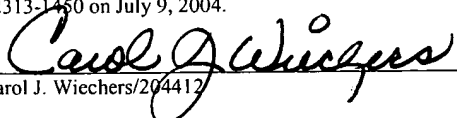
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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 9, 2004.



Carol J. Wiechers/204412